

A Public Hearing was held November 4, 2004 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Proof of publication in the Alden Advertiser, the Elma Review and East Aurora Advertiser as well as posting it on the Official Bulletin Board of the Town was presented by the Town Clerk. Officials present were:

John R. Foss, Supervisor  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
George Gertz, Councilman  
Warren Handley, Councilman

Approximately (17) persons were in attendance. Supervisor Foss stated that the Public Hearing was called to order. The purpose of the hearing was to consider the new contract for the year 2005 with the Marilla Fire Company. The following general terms of said new contract shall be for fire protection to the Town of Marilla Fire Protection District:

- (a) The Marilla Volunteer Fire Company shall answer and attend all fire calls in said District.
- (b) For such services, the Marilla Volunteer Fire Company shall be paid a sum of \$212,075.00.
- (c) The Marilla Volunteer Fire Company shall maintain and operate its fire station at West Avenue, Marilla, New York.
- (d) The Marilla Volunteer Fire Company shall insure all of its equipment against all liability and shall protect the Town of Marilla from liability for any accident in which any fire company vehicle may be involved.
- (e) This contract shall continue until December 31, 2005.
- (f) Such other incidental terms as may be necessary or proper.

Supervisor Foss asked if there were any interested persons who desired to be heard. Hearing no comments from those in attendance, the hearing was closed at 7:34 p.m.

Respectfully Submitted,

\_\_\_\_\_  
Town Clerk

Public Hearing  
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George Gertz, Councilman  
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Approximately (17) persons were in attendance. Supervisor Foss stated that the Public Hearing was called to order. The purpose of the hearing was to review the Preliminary Budget for the year 2005 and to give citizens an opportunity to express their views concerning the budget or any part therein. Supervisor Foss asked if there were any interested persons who desired to be heard. Hearing no comments from those in attendance, the hearing was closed at 7:40 p.m.

Respectfully Submitted,

\_\_\_\_\_  
Town Clerk

A regular meeting of the Marilla Town Board was held October 14, 2004 at 7:40 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John Foss, Supervisor  
Fred Specht, Councilman  
George Gertz, Councilman  
Warren Handley, Councilman  
Barbara Spanitz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

### **Communications**

1. Guy Steinmetz VP of Tri-Town United Soccer Club and EMW Soccer Development Club thanked the Town for the conception and maintenance of the Eastwood Road Soccer Fields and to reinforce their commitment to their continued use of the Eastwood Road fields.
2. Michael O'Keefe acting as agent for 3481 Two Rod Road (formerly the Clonmel) informed the Town that they have applied for their New York State Liquor License.
3. Willey Enterprises located at 11615 Clinton Street informed the Town that they have applied to renew their New York State Liquor License.
4. James Tait from Lyndale Lane sent a \$20 donation to the Town thanking them for all the services provided by the Town.
5. The Town of Elma thanked the Town of Marilla for their gift for their Ribbon Cutting Ceremony for the New Town Hall.

### **Committee Reports**

Highway Superintendent Dave Pierce reported that the Soccer Fields were aerated and over seeded. The Town Park Handy Shelter has a new roof and the parking lot was extended. He stated that the parking lot and the site work is all done for the new shelter. The Recycling Center has a new roof and the salt shed and sanders are ready to go.

Councilman Spanitz reported that she attended an Affirmative Action Meeting on October 26<sup>th</sup> at the West Seneca Town Hall. She stated that she has new pamphlets on housing, choosing good tenants and you can fight discrimination if anyone has any questions please contact her. The Library elevator has been fixed at a cost of \$330 versus the \$4,000 that we allocated and the Librarian is as happy as are we. The bricks at the Memorial Walkway are all in place for Veteran's Day on Sunday, November 14<sup>th</sup> and any new orders will be installed before Memorial Day of 2005, they make great gifts and anyone interested can contact Sally Kutter.

Councilman Gertz reported that the State has been actively doing their traffic study at the intersection of Two Rod Road and Clinton Street but we have not heard any of the results yet.

Councilman Handley reported that the Veteran's Parade will begin at the Marilla Firemen's Hall at 1:00 p.m. and will proceed to Two Rod and Bullis. He stated some community events coming up: Saturday, November 6<sup>th</sup> the Ladies Auxiliary will be having a meat raffle, Tuesday, November 23<sup>rd</sup> will be having Marilla Memory Night at the Community Center at 7:00 p.m. (narrators will be Jim Handy, Wes Finch and Stuart Rowland), Wednesday, November 24<sup>th</sup> will be the Marilla Thanksgiving Eve Service at Saint Nicodemis Church at 7:30 p.m. speaker is Pastor Rick Cook from Williston United Methodist Church. We are planning the Tree Lighting Ceremony which will be held on December 4<sup>th</sup>, Sponsored by the Kiwanis. It will be held at the Community Center starting at 4:00 p.m. and there will be caroling at the Pavilion at 7:00 p.m. He stated the Pavilion Committee received a thank you card from the Small's at the Alden, Marilla Food Pantry for the Bountiful Harvest food donation.

Supervisor Foss reported that the County Executive has not yet submitted his budget for 2005, so I have no further information concerning what services he plans to cut. In discussions with the Town Board we were in full agreement not to fund services that the County is to provide. This is a problem the County brought upon itself by not properly budgeting in the past four years. We in the Town of Marilla carefully use our reserves and plan ahead to make sure we can always provide the services our residents need. I think Mr. Giambra has dealt a severe blow for his regionalism ideas when you see how our two biggest Governments (Buffalo and Erie County) can't seem to operate successfully whereas all the small Governments are able to get the job done. In Water District II, I have signed the final paperwork for the settlement of the lawsuit with Milherst Construction and Joseph Lu Engineering and we can now officially end the litigation concerning the water lines. As part of the agreement the Town Board cannot discuss the issues involved in the settlement. A copy will be available in the Town Clerk's Office for inspection by the public.

### **Open Board Presentations From the Public**

Chief Benson from the Erie County Sheriffs Office wanted to comment on the recent threat of possible layoffs of approximately 99 Sheriffs, due to the County's budget problems. Sheriff Gallivan and other Chiefs vehemently disagree with this proposal; the Sheriffs protection is one of the most important services provided to the communities, especially after 9/11. The Erie County Sheriffs have a strong presence in the Town of Marilla, Elma and Wales, as well as throughout the whole County. Whatever happens with the budget Sheriff Gallivan wants you to know he is the Chief Law Enforcement Officer and it is his decision where those services are deployed. He will provide services where needed to keep our communities safe.

### **Old Business**

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve Minutes from the Special Meeting held on 10/12/04 and the Public Hearing and Regular Meetings held on 10/14/04. Motion Carried.

### **New Business**

Motion: Councilman Gertz moved, seconded by Councilman Handley to authorize the Supervisor to sign the Firemen's Contract for the Year 2005 in the amount of \$212,075.00. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to approve a maintenance contract with Fenton Mobility Products Inc. for the elevator at the Marilla Free Library. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to adopt the preliminary budget as the final budget for 2005.

Roll Call Vote:

Supervisor Foss – aye  
Councilman Specht – aye  
Councilman Handley – aye  
Motion Carried.

Councilman Spanitz – aye  
Councilman Gertz – aye

Supervisor Foss announced that the Town Hall would be closed on Friday, November 26<sup>th</sup> and Friday, December 24<sup>th</sup>. It will close at 12:00 noon on Friday, December 31<sup>st</sup>. Settlement Day will be held on Thursday, December 30<sup>th</sup> at 9:00 a.m.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve the following resolution:

WHEREAS, the Town of Marilla believes that it is in the best interest of the Town of Marilla and its residents, that maintaining a residence in the Town of Marilla be a condition of employment except in exceptional circumstances; and

WHEREAS, the Town of Marilla has been advised by the

Commissioner of Personnel for the County of Erie that in order to make residency a condition of employment, the Town of Marilla needs to formally adopt this restriction and that if the Town of Marilla wants to provide for a waiver of that restriction, that a specific waiver policy be included in such restriction; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MARILLA AS FOLLOWS:

- Section 1. The Town Board of the Town of Marilla does hereby formally adopt a residency law requiring that as a condition of employment, an individual must reside in the Town of Marilla.
- Section 2. That the Town Board does recognize that under certain exceptional circumstances it may be necessary to issue a waiver of this requirement.
- Section 3. That the conditions under which the Town may waive such requirements:
- a. Where due to the technical skills required no local resident has the required qualifications
  - b. Where the work performed requires substantial training and experience and a candidate is performing similar work for another municipality and can readily provide services to Marilla in addition to the services being performed by that other municipality.
- Section 4. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spantiz – Aye

Councilman Specht – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Supervisor Foss – Aye

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to stop service with Going Places Van as of December 31, 2004 due to lack of use. Motion Carried.

### **Report of Town Officials**

Town Engineer Mike Smith reported that now that the elections are over we are hoping to get some word on the financing for Water District V. The Town of Bennington seems to be moving ahead with the Water District, they are selecting an engineer for the design, we will be sending out stipulations to make sure they have everything included at their end that is necessary.

Supervisor Foss reported that there was a meeting held at the Town Hall pertaining to Water District 6, which includes Holland, Aurora, Wales and Marilla. We don't have the full information yet but we hope to some time this month. The Town will then send a letter to residents in the proposed Water District for an informational meeting.

Building Inspector John Fronczek submitted a written report with 9 building applications received totaling fees of \$1,516.00 building permits issued with a value of \$591,000.00, 18 inspections were made, and 2 complaints were acted on. One Variance Application for \$125 was taken. A total of 192 acts of official business were made for the month of October.

Town Attorney Nathan Neill reported that we are going to bid with Elma for a new refuse contract, the bids will be received and opened on November 2<sup>nd</sup> and there will be a pre-bid conference on November 16<sup>th</sup>.

The Planning Board minutes have been received and posted.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company representative Andy Farmer thanked the Town Board for approving the Firemen’s Contract. The Fire Company will be sending out a letter to residents in the next week or so concerning ambulance service in the Town and the house number signs that the Fire Company is currently selling to identify homes more easily for a fee of \$15.

Hubert Kutter reported that the Historical Society will have a program on November 23<sup>rd</sup> “Marilla Remembered” Wesley Finch, Stuart Rowland and James Handy will talk about the past. We will also have a dedication plaque to honor Jack Scorsone; who passed away last year. Sesqui-centennial items are still on sale.

**Open Board Presentations**

Councilman Specht complemented Kiwanis past President, Hubert Kutter on a good job.

Councilman Gertz reported that there will be an electronic recycling day at ECC North Campus on Saturday, December 11 from 9 a.m. to 2:00 p.m.

Councilman Spanitz stated that the next Planning Board Meeting will be held on November 18<sup>th</sup> at 7:30 p.m.

Supervisor Foss stated that the reason the Vice President of the Soccer Club sent a letter to us was in response to my concern at a meeting I attended in Elma there was discussion about the new Sahlens Soccer fields in Elma. He stated that he was concerned that the Eastwood Road fields would not be used anymore after the Town had spent quite a lot of money and time on our fields. They assured me they will still use our Eastwood Road fields.

All claims have been previously reviewed by Councilman Gertz and Councilman Handley.

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the claims as follows:

General Fund Claims, Vouchers 610-671	\$	49,517.04
Highway Fund Claims, Vouchers 169-182	\$	18,008.05
Special Districts		
Sanitation (SR), Vouchers 108-117	\$	11,157.16
Special Fire, Voucher	\$	.00
Water District #2, Vouchers 22-24	\$	2,642.94
Water District #3, Voucher 11	\$	1,306.94
Water District #4, Voucher 11	\$	789.34
Community Development PACE	\$	.00
Community Develop. HUD	\$	.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 8:10 p.m. Motion Carried.

Respectfully Submitted,

_____ Town Clerk	_____ Supervisor
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman